



19 MAY 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

COOPER & DUNHAM, LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

In re Application of RINGERIKE et al :  
U.S. Application No.: 10/577,268 :  
PCT Application No.: PCT/PL04/00075 :  
Int. Filing Date: 26 September 2004 : DECISION  
Priority Date Claimed: 26 September 2003 :  
Attorney Docket No.: 76222-PCT-US/GJG :  
For: TOOLS AND METHODS USEFUL IN :  
CHARACTERISING THE IMMUNOTOXIC :  
ACTIVITY OF XENOBIOTIC SUBSTANCES :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed 26 April 2006.

### **BACKGROUND**

On 26 September 2004, applicant filed international application PCT/PL04/00075, which claimed priority of an earlier Poland application filed 26 September 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 07 April 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 March 2006.

International application PCT/PL04/00075 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 April 2006, applicant filed the present petition under 37 CFR 1.137(b).

### **DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.


With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459